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10 Attorneys for Defendants  
SEARS HOLDINGS CORPORATION and SEARS, ROEBUCK  
11 AND CO.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO/OAKLAND DIVISION  
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16 PATRICK RODRIGUEZ, as an individual  
17 and on behalf of all others similarly  
18 situated,

19 Plaintiff

20 vs.

21 SEARS HOLDINGS CORPORATION, a  
22 corporation; SEARS ROEBUCK AND  
CO., a corporation; and DOES 1 through  
100, inclusive,

23 Defendants  
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Case No. 3:10-cv-01268-SC

**NOTICE OF WITHDRAWAL OF  
DEFENDANTS' MOTION TO DISMISS  
AND STRIKE FIRST AMENDED  
COMPLAINT**

CLASS ACTION

**DATE: August 6, 2010**  
**PLACE: Courtroom 1**  
**TIME: 10:00 a.m.**  
**JUDGE: Hon. Samuel Conti**

1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE  
2 NORTHERN DISTRICT OF CALIFORNIA AND TO PLAINTIFF AND HIS COUNSEL OF  
3 RECORD:

4 PLEASE TAKE NOTICE that in light of the parties' stipulation and the Court's Order  
5 Granting Leave to File a Second Amended Complaint, Defendants Sears Holdings Corporation  
6 and Sears, Roebuck and Co. ("Defendants") hereby withdraw their Motion to Dismiss and Strike  
7 Plaintiff's First Amended Complaint currently noticed for hearing on 10:00 a.m. on August 6,  
8 2010. Defendants respectfully request that the Court remove this motion from the Calendar.

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10 Dated: July 21, 2010.

LYNNE C. HERMLE  
JOSEPH C. LIBURT  
CHRISTIAN N. BROWN  
ORRICK, HERRINGTON & SUTCLIFFE LLP

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13 /s/ Christian N. Brown  
14 Christian N. Brown  
15 Attorneys for Defendants  
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